

# Clarke County

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## PLANNING COMMISSION REGULAR MEETING MINUTES MAY 4, 2012



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, May 4, 2012.

### ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Clay Brumback, Tom McFillen, Cliff Nelson, Chip Steinmetz, John Staelin, Richard Thuss and Jon Turkel.

### ABSENT

Scott Kreider

### STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner and Debbie Bean, Recording Secretary.

### Called to Order

Chair Ohrstrom called the meeting to order at 9:00 a.m.

### APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

**Yes:** Bouffault, Brumback, Caldwell, McFillen, Nelson (moved), Ohrstrom, Staelin, Steinmetz, Thuss (seconded) and Turkel

**No:** No one

**Absent:** Kreider

### APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of April 3, 2012.

**Yes:** Bouffault (moved), Brumback, Caldwell, McFillen, Nelson, Ohrstrom, Staelin, and Thuss (seconded)

**No:** No one

**Absent:** Kreider

**Abstained:** Steinmetz and Turkel

The Commission voted unanimously to approve the regular meeting minutes of April 6, 2012 with one minor correction.

**Yes:** Bouffault, Brumback, Caldwell (moved), Nelson (seconded), Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

**No:** No one

**Absent:** Kreider

**Abstained:** McFillen

Chair Ohrstrom officially welcomed Brandon Stidham as the new Clarke County Planning Director. Chair Ohrstrom told Mr. Stidham that the Commission is very happy to have him here and we look forward to working with him.

**SPECIAL USE/SITE PLAN – CONT'D PUBLIC HEARING**

**Verizon Wireless requests approval of a Special Use and Site Plan for constructing a monopole on the property located in the 100 block of Mount Carmel Road, Tax Map Parcel 39-A-71, Chapel Election District, zoned Forestal Open-Space Conservation (FOC).  
SUP-12-01**

Mr. Russell explained this request. He said that this request is for constructing a monopole in the 100 block of Mount Carmel Road. He stated that at the last meeting the Commission voted to continue the public hearing and postpone action. He said this would allow time for Verizon to work on the proposed easement to the property and other agreements with the Church and the owner of the property where the monopole will be located. He said that he met with Verizon and Pastor Adams at the proposed monopole site on Tuesday of this week along with Chair Ohrstrom, Vice Chair Caldwell and Board of Supervisor John Staelin. He said that Verizon is having difficulties with the proposed easement going through the Church parking lot. He stated that Verizon is still in negotiations with the Church and there seems to be a snag that they are trying to work out. Mr. Russell said that David Lasso with Verizon is present and can explain this to the Commission. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

David Lasso, agent for Verizon, was present and spoke to the Commission. He stated that at this time Verizon and the Church are having some difficulties in their discussions in trying to come up with a solution regarding the easement. He stated that the Church is very concerned about future uses and what the impact would be on the site. He stated that Verizon has come up with an alternative idea which would avoid some of their primary concerns. He said one idea is to have an easement going through the middle of the Church property which is very small. He stated that another option to be considered is accessing the monopole site through Mr. Thomas' property should Verizon and the Church fail to come to terms on an access agreement. He said that a new access off of Mt. Carmel Road to the site would require additional road construction along the northern property line of the Church. He said that engineering needs to be done and plans will need to be re-submitted. He stated that Debra Riddle with Verizon is present today to answer questions regarding this proposed project.

Debra Riddle stated that she is the construction engineer for the proposed project. She said she is the one that will actually build the proposed road. She stated that the concept for the design is to pile rocks in a style so as to make the road look as if it has disappeared.

Mr. Lasso said he has spoken to Ed and Brenda Van Keuren, property owners of the existing monopole site and said that Mr. and Mrs. VanKeuren would like to maintain the flat area and the retaining wall with the fence around it so that they could use this area in the future.

Mr. Lasso said that in order to make all these changes they would like to postpone action and continue the public hearing on this request until the July 6, 2012 Planning Commission meeting.

Pastor Karen Adams of Mount Carmel Church was present and stated that the lawyer representing the Church told them it is not good to have an open-ended easement. Pastor Adams said she would like to have a prescriptive easement. She said that the Church does not want Mr. Thomas to have permission to go through the Church parking lot. She stated that if we would get the prescriptive easement she believes the Board for the Church would be more inclined to agree to the Verizon request.

Mr. Russell said that Mr. Thomas was only willing to grant an easement to himself and not to Verizon but that he would in turn grant an easement to Verizon for access. He stated that this would result in both Mr.

Thomas and Verizon having an access easement across the property. He stated that the Church has found this to be an unsatisfactory arrangement.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to continue the public hearing and postpone action on this request until the July 6, 2012 Planning Commission meeting.

**Yes:** Bouffault, Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

**No:** No one

**Absent:** Kreider

#### **SPECIAL USE/ SITE PLAN - CONT'D PUBLIC HEARING**

**Clarke County Sanitary Authority requests approval of a Site Plan for replacing the existing water storage tank with a new water tank located on the property identified as Tax Map Parcel 30-A-1A, 1340 Browntown Road, Millwood Election District, zoned Agricultural Open-Space Conservation (AOC). SP-12-03**

Mr. Russell explained this request. He stated that the purpose of this request is to replace the existing water storage tank with a new water storage tank. He said the existing tank is 111 feet in height and the new one will be approximately 138 feet. He stated that the increase in height is to provide the necessary pressure between the Millwood and Boyce water storage tanks that currently is not occurring. He said the parcel is zoned AOC and contains .723 acres as shown on the site plan per an agreement to conduct a boundary line adjustment with Richard Farland, an adjacent property owner to the west. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Dan Mackay-Smith, member of the Clarke County Sanitary Authority was present and spoke to the Commission. He stated that the Authority had thought they had secured the additional 0.3 acres in February. He said that Mr. Farland felt the Authority had misrepresented the height of the water tank and wanted more money in compensation. He said a new contract to purchase the property increasing the price from \$15,000 to \$20,000 has been sent to Mr. Farland for approval. He stated that the Authority needs to move on to final engineering drawings for the site and begin a search for financing for the new tank, which is expected to cost \$929,000. He asked the Commission for approval of this request with the condition of the final agreement between Mr. Farland on the boundary line adjustment and the settlement on the property.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve the site plan on condition that a final agreement between Mr. Farland and the Authority is made regarding the boundary line adjustment and a settlement on the property is made.

**Yes:** Bouffault (moved), Brumback, Caldwell, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel (seconded)

**No:** No one

**Absent:** Kreider

#### **TEXT AMENDMENT – SET PUBLIC HEARING**

**The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Section 6-B-Site Development Plans, When required so as to add Small Wind Turbines to the items not requiring a site plan. TA-12-01**

Ms. Teetor explained this request. She said that at the April meeting of the Planning Commission there were concerns from the Commission regarding unintended consequences of waiving the site plan requirements for wind turbines. She said that the policy committee (Commissioners Nelson, Kreider, Steinmetz and Turkel) met on April 26th. She said the committee discussed the size of the systems and were uneasy about reducing the size to 10kW as this might limit the needs of some households. She said the other topic was under what circumstances a site plan should be required. She stated that currently special use permits and site plans are required for wind turbines greater than 100 feet in height or if three or more structures are installed. She said the committee agreed to recommend modifying the existing site plan requirements to exempt structures greater than 100 feet but require a site plan if three or more structures are installed. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this amendment for the next regular meeting of the Planning Commission on June 1, 2012.

**Yes:** Bouffault, Brumback, Caldwell (moved), McFillen, Nelson, Ohrstrom, Staelin, Steinmetz (seconded), Thuss and Turkel

**No:** No one

**Absent:** Kreider

#### **TEXT AMENDMENT – SET PUBLIC HEARING**

**The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Section 9-B-31 definition for Camping Unit so as to provide and regulate camping on parcels of land 3 acres or less in area. The County Zoning Ordinance currently regulates the length of stay for “Campgrounds” for not more than 15 days in any 30-day period.**

**“Campgrounds” are generally defined as three or more campsites. The proposed ordinance would regulate the length of camping stay on lots 3 acres or less in size where there are less than 3 campsites to 15 days in any 30 day period. TA-12-03**

Mr. Russell explained this amendment. He stated that when a parcel of land contains less than 3 camp sites it is not considered to be a “Campground” and therefore is not a use that requires a Special Use Permit in the AOC or FOC zoning district. He said that in the recent past several complaints have been lodged regarding extensive camping stays where there have been less than 3 camp sites on residentially sized lots. He stated that the County currently does not regulate the length of stay of private camping on residential lots. He said that the policy committee met to discuss regulating the length of camping stay on a private parcel of land where a special use is not required. He said the committee was of the opinion that although a private land owner should be allowed to camp on their own land and to also allow friends to camp on their land a reasonable length of time in which to camp on residential lots should be considered and regulated to a length of stay that reflects “Campground” limits. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this amendment for the next regular meeting of the Commission on June 1, 2012.

**Yes:** Bouffault (moved), Brumback, Caldwell (seconded), Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

**No:** McFillen

**Absent:** Kreider

### **Board/Committee Reports**

Board of Supervisors

– John Staelin

Commissioner Staelin stated that the budget has been passed. He said that the tax rates have been raised. He said the County lost four positions in the general government due to a very tight budget.

Sanitary Authority

No report.

Board of Septic & Well Appeals

– John Staelin

No report.

Board of Zoning Appeals

– Anne Caldwell

Commissioner Caldwell stated that there is a public hearing scheduled for May 10, 2012 regarding an appeal.

Historic Preservation Commission

– Cliff Nelson

Commissioner Nelson stated that the next meeting for the Commission is scheduled for May 24, 2012.

Conservation Easement Authority

– George Ohrstrom, II

Chair Ohrstrom stated that the Authority received a 2012 Governor's Environmental Excellence Award. He said they want to hang the award downstairs in the Town/County Joint Government Center.

### **Staff Reports**

Natural Resource Activities


– Alison Teetor

No report.

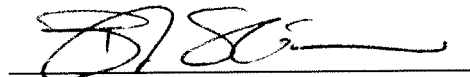
Other – Discussion on Comp Plan Committee Appointments

Mr. Russell stated that the Comprehensive Plan needs to be renewed. He said that we need to get a committee ready.

There being no further discussion, the meeting was adjourned at 10:00 a.m. until the next regular meeting of the Commission on June 1, 2012.



George L. Ohrstrom, II, Chair



Brandon Stidham, Planning Director

Minutes prepared by Debbie Bean, Recording Secretary